

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
CHRISTOPHER MAXWELL, on behalf of
himself and all others similarly situated, :
:
Plaintiff, : **CIVIL ACTION NO.**
:
v. : **1:12-CV-01699-AJN**
:
HSBC MORTGAGE CORPORATION (USA), :
ASSURANT, INC. and TRACKSURE :
INSURANCE AGENCY, INC., :
:
Defendants. :
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**NOTICE OF DEFENDANT HSBC MORTGAGE CORPORATION (USA)'S
MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the annexed declaration of Jennifer Simmons, dated July 11, 2012, and the exhibit attached thereto, and the accompanying Memorandum of Law, defendant HSBC Mortgage Corporation (USA) ("HSBC") shall move this Court, before the Honorable Alison J. Nathan, at the United States Courthouse, 500 Pearl Street, Courtroom 23B, New York, New York 10007-1312, on a date and time to be determined by the Court, for an Order granting HSBC's Motion to Dismiss plaintiff Christopher Maxwell's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted; and

PLEASE TAKE FURTHER NOTICE that Opposition Papers, if any, shall be filed and served on all parties on or before August 10, 2012; and

PLEASE TAKE FURTHER NOTICE that Reply Papers, if any, shall be filed and served on all parties on or before August 24, 2012.

Respectfully submitted,

Dated: July 11, 2012

HSBC MORTGAGE CORPORATION (USA)

By: /s/ Lisa M. Simonetti
Lisa M. Simonetti

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